

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS, <i>et al.</i> ,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
vs.	§	CIVIL ACTION No.
	§	6:23-CV-00007
UNITED STATES DEPARTMENT OF	§	
HOMELAND SECURITY, <i>et al.</i> ,	§	
	§	
<i>Defendants, and</i>	§	JUDGE DREW B. TIPTON
	§	
VALERIE LAVEUS, <i>et al.</i> ,	§	
	§	
<i>Intervenor Defendants.</i>	§	

[PROPOSED] ORDER

Pending before the Court is Intervenor Defendants’ Motion to Strike Texas’s Extra-Record Evidence in Post-Trial Brief. ECF No. _____. After reviewing the Motion, the record, and the applicable law, the Court orders as follows:

1. GRANTS Intervenor Defendants’ Motion to Strike Texas’s Extra-Record Evidence in Post-Trial Brief, striking all references to the extra-record post-trial data cited in Plaintiff States’ Post-Trial Brief, ECF No. 285; accordingly, the Court will also strike any references to extraneous data in Intervenor Defendants’ Response to Texas’s Post-Trial Brief.

[OR]

2. DENIES Intervenor Defendants’ Motion to Strike Texas’s Extra-Record Evidence in Post-Trial Brief.

[OR]

3. Withholds ruling on Intervenor Defendants’ Motion to Strike Texas’s Extra-Record Evidence in Post-Trial Brief, and GRANTS Intervenor Defendants’ request for an “[o]ppportunity to be heard” on this issue pursuant to Rule 201(e) of the Federal Rules of Evidence. A scheduling order will follow.

It is SO ORDERED.

Signed this ____ of _____, 2023.

Drew B. Tipton
UNITED STATES DISTRICT JUDGE